

PROB.22  
(Rev. 2/88)DOCKET NUMBER (Tran. Court)  
1:20CR00062-01WES**TRANSFER OF JURISDICTION**

DOCKET NUMBER (Rec. Court)

NAME AND ADDRESS OF SUPERVISED RELEASEE

**Bernard Klein  
New York**

DISTRICT

Rhode Island

DIVISION

Providence

NAME OF SENTENCING JUDGE

Honorable William E. Smith, U.S. District Judge

DATES OF SUPERVISED  
RELEASEFROM:  
May 27, 2022TO:  
May 26, 2025

OFFENSE

**Count 1:** Conspiracy to Commit Mail Fraud**PART 1 - ORDER TRANSFERRING JURISDICTION**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND.

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee name above be transferred with the records of this Court to the United States District Court for the **EASTERN DISTRICT OF NEW YORK** upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further Inquiry of this Court.\*

10/14/2022

Date

Honorable William E. Smith  
U.S. District Judge

\*This sentence may be deleted in the discretion of the transferring Court.

**PART 2 - ORDER ACCEPTING JURISDICTION**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

IT IS HEREBY ORDERED that jurisdiction over the above-named probation/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

Date

U.S. District Judge

CLOSED

**U.S. District Court  
District of Rhode Island (Providence)  
CRIMINAL DOCKET FOR CASE #: 1:20-cr-00062-WES-LDA-1**

Case title: USA v. Klein

Date Filed: 08/11/2020

Date Terminated: 04/13/2021

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Assigned to: District Judge  
William E. Smith  
Referred to: Magistrate Judge  
Lincoln D. Almond

**Defendant (1)**

**Bernard Klein**

*TERMINATED: 04/13/2021*

represented by **Alain J. Ifrah**

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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*  
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**Pending Counts**

18:371 – CONSPIRACY TO  
COMMIT MAIL FRAUD  
(1)

**Disposition**

Court imposes 18 months of incarceration. 3 years  
of supervised release. A \$15,000 fine. A \$100  
special assessment. Restitution: \$400,000.00  
(interest waived on fine and restitution)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

USA

represented by **Lee Vilker**  
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Date Filed	#	Page	Docket Text
08/11/2020	<u>1</u>		INFORMATION as to Bernard Klein (1) count(s) 1. (Attachments: # <u>1</u> Criminal Cover Sheet, # <u>2</u> Proposed Waiver of Indictment)(Noel, Jeannine) (Entered: 08/11/2020)
08/12/2020	<u>3</u>		PLEA AGREEMENT as to Bernard Klein (Attachments: # <u>1</u> Plea Agreement)(Hebert, Sandra) (Attachment 1 replaced on 8/12/2020) (Noel, Jeannine). (Entered: 08/12/2020)
08/12/2020			<b>NOTICE OF VIDEO HEARING DEFENDANT REQUEST</b> as to Bernard Klein. VIDEO Arraignment set for 8/19/2020 at 11:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond.(Noel, Jeannine) (Entered: 08/12/2020)
08/12/2020	<u>6</u>		MOTION GOVERNMENTS MOTION TO TRANSFER CASE by USA as to Bernard Klein. <b>Responses due by 8/26/2020.</b> (Hebert, Sandra) (Entered: 08/12/2020)
08/12/2020	<u>7</u>		MOTION for Alain J. Ifrah to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number 0103-1538940 ) by Bernard Klein. <b>Responses due by</b>

		<b>8/26/2020.</b> (Pine, Jeffrey) (Entered: 08/12/2020)
08/12/2020	<u>8</u>	MOTION for Andrew J. Silver to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number 0103-1538969 ) by Bernard Klein. <b>Responses due by 8/26/2020.</b> (Pine, Jeffrey) (Entered: 08/12/2020)
08/12/2020	<u>9</u>	MOTION for James M. Trusty to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number 0103-1538978 ) by Bernard Klein. <b>Responses due by 8/26/2020.</b> (Pine, Jeffrey) (Entered: 08/12/2020)
08/12/2020		TEXT ORDER granting <u>7</u> Motion to Appear Pro Hac Vice of Alain J. Ifrah filed by Jeffrey Pine. – So Ordered by District Judge Mary S. McElroy on 8/12/2020.(McGuire, Vickie) (Entered: 08/12/2020)
08/12/2020		TEXT ORDER granting <u>8</u> Motion to Appear Pro Hac Vice for Andrew J. Silver filed by Jeffrey Pine. – So Ordered by District Judge Mary S. McElroy on 8/12/2020.(McGuire, Vickie) (Entered: 08/12/2020)
08/12/2020		TEXT ORDER granting <u>9</u> Motion to Appear Pro Hac Vice for James M. Trusty filed by Jeffrey Pine. So Ordered by District Judge Mary S. McElroy on 8/12/2020.(McGuire, Vickie) (Entered: 08/12/2020)
08/14/2020	<u>10</u>	MOTION to Continue by Bernard Klein. <b>Responses due by 8/28/2020.</b> (Pine, Jeffrey) (Entered: 08/14/2020)
08/14/2020		TEXT ORDER granting <u>6</u> MOTION GOVERNMENTS MOTION TO TRANSFER CASE as to Bernard Klein (1) – So Ordered by District Judge Mary S. McElroy on 8/14/2020. (Urizandi, Nisshy) (Entered: 08/14/2020)
08/17/2020		TEXT ORDER granting <u>10</u> Motion to Continue as to Bernard Klein (1). So Ordered by Magistrate Judge Lincoln D. Almond on 8/17/2020.(Noel, Jeannine) (Entered: 08/17/2020)
08/17/2020		HEARING CANCELLED as to Bernard Klein: VIDEO Arraignment CANCELLED for 8/19/2020 at 11:00 AM in Remote Hearing before Magistrate Judge Lincoln D. Almond. TO BE RESCHEDULED. (Noel, Jeannine) (Entered: 08/17/2020)
08/17/2020		Case as to Bernard Klein reassigned to District Judge William E. Smith. District Judge Mary S. McElroy no longer assigned to the case. (Urizandi, Nisshy) (Entered: 08/17/2020)
08/19/2020		<b>NOTICE OF HEARING DEFENDANT REQUEST</b> as to Bernard Klein: Combined Arraignment, Bond Hearing, and Change of Plea Hearing via Zoom videoconference <b><i>scheduled for TUESDAY 8/25/2020 at 10:30 AM as a Remote Hearing</i></b> before District Judge William E. Smith; Zoom invitation and information will be emailed to all counsel.(Jackson, Ryan) (Entered: 08/19/2020)
08/25/2020	<u>12</u>	WAIVER OF INDICTMENT by Bernard Klein (Potter, Carrie) (Entered: 08/25/2020)
08/25/2020		Minute Entry for proceedings held before District Judge William E. Smith:Arraignment, Change of Plea Hearing and Bond Hearing as to Bernard Klein held on 8/25/2020, Plea entered by Klein (1) Guilty Count 1: S. Hebert, Z. Cunha, J. Pine, A. Silver, J. Trusty and J. Ifrah. S. Finneran, US Probation.

		<p>Defendant present via video. Court questions the defendant. Defendant waives in person hearing due to the Covid-19 pandemic. Court accepts oral waiver. Court informs the defendant of his rights and pending charge. Defendant understands his rights and charges against him. Defendant waives indictment. Court accepts waiver. Deft sworn. Court verifies that the deft has reviewed the charges filed against him with his attorney. Court questions deft and reviews the plea agreement, including maximum penalties, sentencing guidelines, and constitutional rights. Govt outlines the legal elements and facts of this case. Deft agrees with govts outline with the clarifications stated on the record. Deft pleads guilty. Court accepts plea and adjudges the deft guilty. Sentencing is scheduled for Friday, December 4, 2020 at 9:30 am. Probation to prepare PSR. Court releases the defendant on \$100,000.00 unsecured bond with conditions. Recess. (Court Reporter L. Schwam in Courtroom Video Hearing at 10:40 a.m.)(Potter, Carrie) (Entered: 08/25/2020)</p>
08/25/2020		<p><b>NOTICE OF HEARING DEFENDANT REQUEST</b> as to Bernard Klein. Sentencing set for 12/4/2020 at 09:30 AM in Courtroom 3 before District Judge William E. Smith.(Potter, Carrie) (Entered: 08/25/2020)</p>
08/25/2020	<u>13</u>	<p>TRANSCRIPT ORDER for proceedings held on 08/25/2020 before Judge Smith, J. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days. (Maglio, David) (Entered: 08/25/2020)</p>
08/25/2020	<u>14</u>	<p>Appearance Bond Entered as to Bernard Klein in amount of \$ 1000,000 Unsecured. So Ordered by District Judge William E. Smith on 8/25/2020.(Potter, Carrie) (Entered: 08/25/2020)</p>
08/25/2020	<u>15</u>	<p>ORDER Setting Conditions of Release as to Bernard Klein (1) 100,000.00 Unsecured.. So Ordered by District Judge William E. Smith on 8/25/2020.(Potter, Carrie) (Entered: 08/25/2020)</p>
08/26/2020	<u>16</u>	<p>TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>13</u> Transcript Order. Court Reporter/Transcriber: Lisa Schwam (Dias, Jennifer) (Entered: 08/26/2020)</p>
09/22/2020	<u>19</u>	<p>Consent MOTION to Continue <i>Sentencing Date</i> by Bernard Klein. <b>Responses due by 10/6/2020.</b>(Trusty, James) (Entered: 09/22/2020)</p>
10/05/2020		<p>TEXT ORDER granting <u>20</u> Motion to Seal as to Bernard Klein (1). So Ordered by District Judge William E. Smith on 10/5/2020.(Jackson, Ryan) (Entered: 10/05/2020)</p>
10/05/2020		<p>TEXT ORDER granting <u>19</u> Motion to Continue Sentencing as to Bernard Klein (1). So Ordered by District Judge William E. Smith on 10/5/2020.(Jackson, Ryan) (Entered: 10/05/2020)</p>
10/05/2020		<p><b>NOTICE OF HEARING DEFENDANT REQUEST</b> as to Bernard Klein: Sentencing <b><i>RE-SCHEDULED to FRIDAY 1/29/2021 at 2:00 PM in Courtroom 3</i></b> before District Judge William E. Smith; the sentencing previously scheduled for 12/4/2020 is hereby CANCELLED.(Jackson, Ryan) (Entered: 10/05/2020)</p>
11/09/2020		<p>NOTICE OF HEARING as to Bernard Klein: 'In' Chambers Conference via Zoom Videoconference <b><i>scheduled for TUESDAY 11/17/2020 at 3:30 PM as a Remote Hearing</i></b> before District Judge William E. Smith; Zoom invite and</p>

		information will be emailed to all counsel.(Jackson, Ryan) (Entered: 11/09/2020)
11/17/2020		Minute Entry for proceedings held before District Judge William E. Smith:'In' Chambers Zoom Video-Conference as to Bernard Klein held on 11/17/2020: counsel present: L. Vilker, S. Hebert, Z. Cunha; J. Pine, J. Trusty, J. Ifrah; for U.S. Probation: M. Picozzi(Jackson, Ryan) (Entered: 11/18/2020)
12/31/2020	<u>35</u>	TRANSCRIPT of Arraignment and Change of Plea as to Bernard Klein held on 08/25/2020 before Judge Smith. Court Reporter/Transcriber Lisa Schwam, Telephone number 401-752-7128. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER <b>NOTICE TO COUNSEL: Redaction Requests must be filed for personal identifiers only. All other redactions must be requested by motion. For local policy and sample redaction request visit our website at <a href="http://www.rid.uscourts.gov">www.rid.uscourts.gov</a> and select Transcripts under the Case Information menu option</b> Redaction Request due 1/21/2021. Redacted Transcript Deadline set for 2/1/2021. Release of Transcript Restriction set for 3/31/2021. (Schwam, Lisa) (Entered: 12/31/2020)
01/22/2021		<b>NOTICE OF HEARING DEFENDANT REQUEST</b> as to Bernard Klein: Sentencing now via Zoom <b><i>RE-SCHEDULED to FRIDAY 3/19/2021 at 11:30 AM as a Remote Hearing</i></b> before District Judge William E. Smith; the hearing previously scheduled for 1/29/21 is hereby CANCELLED.  (Zoom Meeting ID: 160 208 9222, Passcode: 571183) (Jackson, Ryan) (Entered: 01/22/2021)
02/10/2021	<u>38</u>	MOTION to Modify Conditions of Release by Bernard Klein. <b>Responses due by 2/24/2021.</b> (Attachments: # <u>1</u> Proposed Order)(Trusty, James) (Entered: 02/10/2021)
02/12/2021		TEXT ORDER granting <u>38</u> Motion to Modify Conditions of Release as to Bernard Klein (1). So Ordered by District Judge William E. Smith on 2/12/2021.(Jackson, Ryan) (Entered: 02/12/2021)
03/12/2021	<u>41</u>	MOTION to Continue by USA as to Bernard Klein. <b>Responses due by 3/26/2021.</b> (Hebert, Sandra) (Entered: 03/12/2021)
03/15/2021		TEXT ORDER granting <u>41</u> Motion to Continue Sentencing to a date to-be-determined as to Bernard Klein (1). So Ordered by District Judge William E. Smith on 3/15/2021.(Jackson, Ryan) (Entered: 03/15/2021)
03/15/2021		<b>NOTICE OF HEARING DEFENDANT REQUEST</b> as to Bernard Klein: Sentencing via Zoom <b><i>RE-SCHEDULED to FRIDAY 4/9/2021 at 11:30 AM as a Remote Hearing</i></b> before District Judge William E. Smith; the sentencing previously scheduled for 3/19/21 is hereby CANCELLED. Zoom information below.  (Zoom Meeting ID: 160 208 9222, Passcode: 571183) (Jackson, Ryan) (Entered: 03/15/2021)
04/06/2021	<u>45</u>	SENTENCING MEMORANDUM by USA as to Bernard Klein (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit



		6, # <u>7</u> Exhibit 7)(Hebert, Sandra) (Entered: 04/06/2021)
04/09/2021		Minute Entry for proceedings held before District Judge William E. Smith:Sentencing held on 4/9/2021 for Bernard Klein (1), Count(s) 1.Hebert & Z. Cunha for Government. J.Trusty, J. Pine & J. Ifiah for Defendant. Molly Picozzi for Probation. Court advises Deft of his right to appear in person; Deft waives his right and consents to appearance by video; Court sets forth the sentencing guidelines in this case. Court hears objections and arguments. Court adjusts sentencing guideline range. Government & Defendant present sentencing recommendations. Victim impact statement. Deft allocutes. Court imposes 18 months of incarceration. 3 years of supervised release. A \$15,000 fine. A \$100 special assessment. Restitution deferred 30 days. Self Report date is June 9, 2021 before 2pm. Deft released on previous conditions. Court adjourned. (Court Reporter Lisa Schwam in Courtroom Zoom Video at 11:30 am.)(McGuire, Vickie) (Entered: 04/09/2021)
04/13/2021	<u>47</u>	JUDGMENT as to Bernard Klein (1), Count(s) 1. Court imposes 18 months of incarceration. 3 years of supervised release. A \$15,000 fine. A \$100 special assessment. Restitution deferred 30 days.– So Ordered by District Judge William E. Smith on 4/13/2021.(McGuire, Vickie) (Entered: 04/13/2021)
04/14/2021	<u>49</u>	TRANSCRIPT ORDER for proceedings held on 4/9/2021 before Judge Smith. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days. (Hebert, Sandra) (Entered: 04/14/2021)
04/14/2021	<u>50</u>	TRANSCRIPT ORDER for proceedings held on 8/25/2020 before Judge Smith. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days. (Hebert, Sandra) (Entered: 04/14/2021)
04/15/2021	<u>51</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>49</u> Transcript Order, <u>50</u> Transcript Order. Court Reporter/Transcriber: Lisa Schwam (Dias, Jennifer) (Entered: 04/15/2021)
05/27/2021	<u>52</u>	MOTION to Continue <i>Restitution Hearing</i> by USA as to Bernard Klein. <b>Responses due by 6/10/2021.</b> (Vilker, Lee) (Entered: 05/27/2021)
06/22/2021	<u>53</u>	MOTION to Continue by USA as to Bernard Klein. <b>Responses due by 7/6/2021.</b> (Hebert, Sandra) (Entered: 06/22/2021)
06/23/2021		TEXT ORDER granting <u>52</u> Motion to Continue as to Bernard Klein (1); granting <u>53</u> Motion to Continue as to Bernard Klein (1). So Ordered by District Judge William E. Smith on 6/23/2021.(Jackson, Ryan) (Entered: 06/23/2021)
07/15/2021	<u>54</u>	MOTION to Continue <i>Restitution Hearing</i> by Bernard Klein. <b>Responses due by 7/29/2021.</b> (Trusty, James) (Entered: 07/15/2021)
08/12/2021	<u>55</u>	TRANSCRIPT ORDER for proceedings held on 4/9/2021 before Judge William E. Smith. Ordinary Transcript delivery selected. Transcript to be delivered in 30 days. (Trusty, James) (Entered: 08/12/2021)
08/12/2021	<u>56</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>55</u> Transcript Order. Court Reporter/Transcriber: Lisa Schwam (Dias, Jennifer) (Entered: 08/12/2021)
08/16/2021	<u>57</u>	MOTION Restitution Order and Scheduling Conference by USA as to Bernard Klein. <b>Responses due by 8/30/2021.</b> (Hebert, Sandra) (Entered: 08/16/2021)



08/19/2021			TEXT ORDER granting <u>54</u> Motion to Continue as to Bernard Klein (1) nunc pro tunc. So Ordered by District Judge William E. Smith on 8/19/2021.(Simoncelli, Michael) (Entered: 08/19/2021)
08/19/2021			NOTICE OF HEARING as to Bernard Klein: In Chambers Conference set for 9/1/2021 at 09:30 AM by Zoom Video Conference before District Judge William E. Smith. Zoom Meeting ID/Passcode provided to counsel of record by email.(Simoncelli, Michael) (Entered: 08/19/2021)
09/01/2021			Minute Entry for proceedings held before District Judge William E. Smith:In Chambers Conference as to Bernard Klein held on 9/1/2021. Sandra Hebert, James Trusty and Alain Ifrah participated. (by Zoom at 9:35 a.m.)(Urizandi, Nisshy) (Entered: 09/01/2021)
09/01/2021			TEXT ORDER granting in part <u>57</u> MOTION Restitution Order and Scheduling Conference as to Bernard Klein (1). The Defendant's brief re: restitution is due by 10/15/2021. So Ordered by District Judge William E. Smith on 9/1/2021.(Urizandi, Nisshy) (Entered: 09/01/2021)
09/09/2021	<u>58</u>		Redacted Transcript of <u>35</u> Transcript,,, in case as to Bernard Klein (Schwam, Lisa) (Entered: 09/09/2021)
10/14/2021	<u>59</u>		Consent MOTION for an Extension of Time to File <i>Brief on Restitution</i> by Bernard Klein. <b>Responses due by 10/28/2021.</b> (Trusty, James) (Entered: 10/14/2021)
10/22/2021			TEXT ORDER granting <u>59</u> Motion for Extension of Time to File as to Bernard Klein (1). The brief on restitution is due on or before 11/15/2021. So Ordered by District Judge William E. Smith on 10/22/2021.(Urizandi, Nisshy) (Entered: 10/22/2021)
11/15/2021	<u>60</u>		MOTION to Dismiss <i>Restitution Hearing</i> by Bernard Klein. <b>Responses due by 11/29/2021.</b> (Ifrah, Alain) (Entered: 11/15/2021)
11/23/2021	<u>61</u>		MOTION for an Extension of Time to File Response/Reply by USA as to Bernard Klein. <b>Responses due by 12/7/2021.</b> (Hebert, Sandra) (Entered: 11/23/2021)
11/24/2021			TEXT ORDER granting <u>61</u> Motion for Extension of Time to File Response as to Bernard Klein (1). Reset Deadlines re <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> . <b>Responses due by 12/31/2021.</b> So Ordered by District Judge William E. Smith on 11/24/2021. (Urizandi, Nisshy) (Entered: 11/24/2021)
12/30/2021	<u>62</u>		MOTION for an Extension of Time to File Response/Reply by USA as to Bernard Klein. <b>Responses due by 1/13/2022.</b> (Hebert, Sandra) (Entered: 12/30/2021)
01/07/2022			TEXT ORDER granting <u>62</u> Motion for Extension of Time to File Response/Reply as to Bernard Klein (1). Reset Deadlines re <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> . <b>Responses due by 1/21/2022.</b> So Ordered by District Judge William E. Smith on 1/7/2022.(Simoncelli, Michael) (Entered: 01/07/2022)
01/14/2022	<u>63</u>		RESPONSE In Opposition to by USA as to Bernard Klein re <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> <b>Replies due by 1/21/2022.</b> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 7)(Hebert, Sandra) (Entered: 01/14/2022)

01/21/2022	<u>65</u>		REPLY TO RESPONSE by Bernard Klein re <u>63</u> Response to Motion, <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Trusty, James) (Entered: 01/21/2022)
02/09/2022			NOTICE OF HEARING ON MOTION in case as to Bernard Klein <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> : Motion Hearing set for 2/14/2022 at 9:30 AM by Zoom before District Judge William E. Smith. (Zoom Meeting ID: 160 710 3065, Passcode: 619159) (Urizandi, Nissheneyra) (Entered: 02/09/2022)
02/09/2022			NOTICE OF HEARING ON MOTION in case as to Bernard Klein <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> : Motion Hearing RESCHEDULED for 2/15/2022 at 9:30 AM by Zoom before District Judge William E. Smith. (Zoom Meeting ID: 160 710 3065, Passcode: 619159) (Urizandi, Nissheneyra) (Entered: 02/09/2022)
02/15/2022			Minute Entry for proceedings held before District Judge William E. Smith: Motion Hearing as to Bernard Klein held on 2/15/2022 re <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> filed by Bernard Klein. Sandra Hebert and James Trusty participated. Arguments heard. Court questions; each side responds. The Court indicates how it will likely rule on this motion. A formal order will be entered at a later date. Recess. (Court Reporter Lisa Schwam by Zoom at 9:40 a.m.) (Urizandi, Nissheneyra) (Entered: 02/16/2022)
03/02/2022	<u>67</u>		NOTICE OF ATTORNEY APPEARANCE Richard Myrus appearing for USA. (Myrus, Richard) (Entered: 03/02/2022)
03/02/2022	<u>68</u>		MOTION to Extend Time to <i>Submit Summary of Evidence</i> by USA as to Bernard Klein. <b>Responses due by 3/16/2022.</b> (Myrus, Richard) (Entered: 03/02/2022)
03/02/2022			TEXT ORDER granting <u>68</u> Motion to Extend Time as to Bernard Klein (1). The Summary of Evidence is due on 3/9/2022. So Ordered by District Judge William E. Smith on 3/2/2022. (Urizandi, Nissheneyra) (Entered: 03/02/2022)
03/09/2022	<u>69</u>		MEMORANDUM IN SUPPORT by USA in support of Order on Motion for Miscellaneous Relief, (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Hebert, Sandra) (Entered: 03/09/2022)
03/17/2022	<u>71</u>		Consent MOTION to Extend Time to File Response to Memorandum in Support of Motion for Entry of a Restitution Order by Bernard Klein. <b>Responses due by 3/31/2022.</b> (Trusty, James) (Entered: 03/17/2022)
03/18/2022			TEXT ORDER granting <u>71</u> Motion to Extend Time as to Bernard Klein (1). <b>Responses due 3/30/2022.</b> So Ordered by District Judge William E. Smith on 3/18/2022. (Urizandi, Nissheneyra) (Entered: 03/18/2022)
03/28/2022	<u>73</u>		Redacted Transcript of <u>35</u> Transcript,, in case as to Bernard Klein (Schwam, Lisa) (Entered: 03/28/2022)
03/30/2022	<u>74</u>		MOTION for an Extension of Time to File <i>Response to Memorandum in Support of Motion for Entry of a Restitution Order</i> by Bernard Klein. <b>Responses due by 4/13/2022.</b> (Trusty, James) (Entered: 03/30/2022)
03/31/2022			

		TEXT ORDER granting <u>74</u> Motion for Extension of Time to File as to Bernard Klein (1). Reset Deadlines <u>60</u> MOTION to Dismiss <i>Restitution Hearing</i> . <b>Replies due by 4/15/2022</b> . So Ordered by District Judge William E. Smith on 3/31/2022. (Urizandi, Nissheneyra) (Entered: 03/31/2022)
04/11/2022	<u>75</u>	Joint MOTION for Entry of Order of Restitution by USA as to Bernard Klein. <b>Responses due by 4/25/2022</b> . (Hebert, Sandra) (Entered: 04/11/2022)
04/12/2022		TEXT ORDER denying as moot <u>60</u> Motion to Dismiss Restitution; granting <u>75</u> Joint MOTION for Entry of Order of Restitution. So Ordered by District Judge William E. Smith on 4/12/2022. (Urizandi, Nissheneyra) (Entered: 04/12/2022)
04/14/2022	<u>76</u>	AMENDED JUDGMENT as to Bernard Klein (1), Count(s) 1, Court imposes 18 months of incarceration. 3 years of supervised release. A \$15,000 fine. A \$100 special assessment. Restitution: \$400,000.00 (interest waived on fine and restitution). So Ordered by District Judge William E. Smith on 4/14/2022. (Urizandi, Nissheneyra) (Main Document 76 replaced on 4/18/2022) (Urizandi, Nissheneyra). (Entered: 04/14/2022)
05/31/2022	<u>78</u>	Consent MOTION to Release Bond Obligation of <i>Passport Surrender</i> by Bernard Klein. <b>Responses due by 6/14/2022</b> . (Trusty, James) (Entered: 05/31/2022)
07/13/2022		TEXT ORDER granting <u>78</u> Motion to Release Bond Obligation as to Bernard Klein (1). So Ordered by District Judge William E. Smith on 7/13/2022. (Urizandi, Nissheneyra) (Entered: 07/13/2022)
07/20/2022	<u>80</u>	SATISFACTION OF JUDGMENT by USA (Shah, Milind) (Entered: 07/20/2022)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

Criminal Case No. 1:20CR62MSM-LDA

v.

Violation:

18 U.S.C. § 371 –  
(Conspiracy to Commit Mail Fraud)

BERNARD KLEIN

**INFORMATION**

The United States Attorney charges that:

**COUNT 1**  
(Conspiracy to Commit Mail Fraud)

**Introduction**

At all times relevant to this Information, unless herein stated:

1. Defendant BERNARD KLEIN (“KLEIN”) brokered the manufacture of clothing, apparel and gear made in China and Pakistan to purchasers in the United States.
2. Ramin Kohanbash (“Kohanbash”) was a wholesaler of uniform items and gear.
3. D.O. was a company that sold clothing, oil field apparel, and accessories.

4. United Associates Limited (“United”) was a company located in North Kingstown, RI, which manufactured and sold protective clothing, including Multicam® APEC parkas. United sold to wholesalers, including D.O., among other customers.

5. United owned the trademark United Join Forces®, a name and associated design registered with the U.S. Patent and Trademark Office (“USPTO”) for use in clothing.

6. MultiCam® as a word was a registered trademark with the USPTO for use in conjunction with a variety of goods to include clothing and garments.

7. FREE®, as a name and associated design, was registered with the USPTO. FREE® was trademarked for use in clothing for protection against fire.

8. Polartec®, as a name and design, was a registered trademark with the USPTO for use in clothing.

9. Primaloft®, as a name and design, was a registered trademark with the USPTO for use in clothing.

### **The Conspiracy**

10. From in or about January 2013, and continuing until on or about October 10, 2018, in the District of Rhode Island and elsewhere, defendant BERNARD KLEIN and Ramin Kohanbash knowingly, willfully and unlawfully combined, conspired and agreed together and with each other, and with others known and unknown to the United States Attorney, to willfully participate in, with knowledge of its fraudulent nature, a scheme and artifice to defraud and obtain money and property by materially

false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme, to place any matter to be sent by the United States Postal Service or by any private or commercial interstate carrier, contrary to [18 U.S.C. § 1341](#).

**Manner and Means of the Conspiracy**

11. It was part of the conspiracy that Kohanbash ordered counterfeit clothing, apparel and gear from defendant KLEIN.

12. It was further part of the conspiracy that Kohanbash sent samples of genuine clothing, apparel and gear to defendant KLEIN, who brokered the manufacture of counterfeit reproductions of those items in China and Pakistan (hereinafter “the counterfeit goods”).

13. It was further part of the conspiracy that defendant KLEIN sent samples of the counterfeit goods to Kohanbash for approval prior to mass production of the counterfeit goods.

14. It was further part of the conspiracy that defendant KLEIN emailed photographs of the counterfeit goods, as well as their hangtags and labels, to Kohanbash for approval prior to mass production of the counterfeit goods.

15. It was further part of the conspiracy that Kohanbash instructed defendant KLEIN via email on what, if any, changes to make to the counterfeit goods or their hangtags and labels.

16. It was further part of the conspiracy that upon receiving Kohanbash’s approval, defendant KLEIN caused the manufacture of the counterfeit goods in China

and Pakistan for Kohanbash. The hangtags and labels on the counterfeit goods contained counterfeit marks that were identical to genuine marks registered with the USPTO. The labels also falsely represented the manufacturer of the goods.

17. It was further part of the conspiracy that defendant KLEIN and Kohanbash instructed the Chinese factory on how to fold and package the counterfeit goods.

18. It was further part of the conspiracy that defendant KLEIN caused removable “Made in China” stickers to be affixed to the counterfeit goods.

19. It was further part of the conspiracy that defendant KLEIN caused the counterfeit goods to be delivered to Kohanbash at Kohanbash’s warehouse in New Jersey.

20. It was further part of the conspiracy that Kohanbash sold the counterfeit goods, which were falsely represented to be genuine, to unwitting customers such as United and other wholesalers. Many of the counterfeit goods bore labels which falsely represented the manufacturer of those goods.

#### **Acts in Furtherance of the Conspiracy**

In furtherance of the conspiracy and to accomplish its purpose, at least one of the following overt acts, among others, was committed by one or more of the co-conspirators in the District of Rhode Island and elsewhere:

21. In or about March 2016, Kohanbash emailed defendant KLEIN regarding hangtags needed for a hood to be manufactured by a factory in China.



22. In or about March 2016, defendant KLEIN responded with a photograph of the FREE® hangtag and asked Kohanbash to confirm whether to keep the FREE® hangtag or remove it from the hood.

23. In or about June 2016, defendant KLEIN caused 2,400 counterfeit FREE® hoods to be delivered by a private and commercial interstate carrier to Kohanbash.

24. In or about May 2016, defendant KLEIN emailed photographs of a United label for the Multicam® APEC parka to Kohanbash for approval.

25. In or about June 2016, defendant KLEIN sent a message to Kohanbash with a photograph of a counterfeit United Join Forces hangtag. The message said, “Is this the H/T [hangtag] for PO [purchase order] 471?”

26. In or about July 2016, Kohanbash emailed an employee of D.O. photographs of a counterfeit Multicam® APEC parka.

27. In or about November 2016, defendant KLEIN caused PO 471, including 1,000 counterfeit Multicam® APEC parkas, to be delivered to Kohanbash by a private and commercial interstate carrier.

28. In or about May 2017, defendant KLEIN caused a container to be shipped from China to the United States by a private and commercial interstate carrier for delivery to Kohanbash. The shipping container contained approximately 1,100 counterfeit Multicam® APEC parkas identified to U.S. Customs and Border Protection as, “outerwear, anorak, water resistant garm, of man made fib.” The container arrived to the United States in June 2017.

29. In or about August 2017 and September 2017, an employee of D.O. emailed Kohanbash numerous purchase orders for Multicam® APEC parkas.

30. In or about October 2017, D.O. shipped 200 counterfeit Multicam® APEC parkas, purchased from Kohanbash, to one or more Base Supply Centers located on Air Force Bases.

31. In or about March 2018, Kohanbash ordered 2,319 counterfeit Polartec® fleece shirts from defendant KLEIN. Kohanbash and defendant KLEIN emailed regarding the counterfeit hangtags and labels affixed to the counterfeit Polartec® fleece shirts.

32. In or about March 2018, Kohanbash ordered from defendant KLEIN over 2,000 Gen III Level 7 parkas bearing counterfeit Primaloft® hangtags.

33. In or about June 2018, defendant KLEIN sent an invoice to Kohanbash for a shipment from China of 2,622 counterfeit Polartec® fleece shirts, among other items.

34. In or about June 2018, defendant KLEIN sent an invoice to Kohanbash for a shipment from China of 2,400 counterfeit FREE® hoods, among other items.

35. In or about July 2018, defendant KLEIN forwarded an email to Kohanbash from the factory in China. The email contained the list of counterfeit items being shipped to the United States, along with photos of the items and hangtags and the location of the removable “Made in China” stickers for each item.

36. In or about August 2018, defendant KLEIN knowingly caused a shipping container containing counterfeit FREE® hoods and counterfeit Polartec® fleece shirts to be delivered to Kohanbash by a private and commercial interstate carrier.

37. In or about August 2018, defendant KLEIN knowingly caused a shipping container containing 252 Gen III Level 7 parkas bearing counterfeit Primaloft® hangtags to be delivered to Kohanbash by a private and commercial interstate carrier.

38. In or about August 2018, as part of a controlled purchase, Kohanbash knowingly caused to be delivered by private and commercial interstate carrier 60 counterfeit Polartec® fleece shirts to United, the business to whom it was addressed, in North Kingstown, RI.

39. In or about September 2018, Kohanbash sold 230 counterfeit FREE® hoods to D.O.

40. In or about October 3, 2018, as part of a controlled purchase, D.O. knowingly shipped by a private and commercial interstate carrier counterfeit jackets and trousers to the Rhode Island National Guard located in East Greenwich, RI. The jackets contained counterfeit Primaloft® hangtags and labels and ten of the items

purported to be manufactured by Kohanbash's company, FR-HQ.

All in violation of 18 U.S.C. § 371.

AARON WEISMAN  
UNITED STATES ATTORNEY



SANDRA R. HERBERT  
Assistant United States Attorney



ZACHARY A. CUNHA  
Assistant United States Attorney



LEE H. VILKER  
Assistant United States Attorney



WILLIAM J. FERLAND  
Criminal Division Chief

Date: 8/11/2020

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY: ☒ INFORMATION ☐ INDICTMENT ☐ COMPLAINT

Matter Sealed: ☐ Juvenile ☐ Other than Juvenile

☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added  
☐ Indictment ☐ Charges/Counts Added  
☐ Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND  
DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person AARON WEISMAN  
Furnishing Information on ☒ U.S. Atty ☐ Other U.S. Agency  
THIS FORM Phone No. (401) 709-5000

Name of Asst. Sandra R. Hebert/Lee H. Vilker  
U.S. Attorney  
(if assigned)

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)  
DOD-IG: Amy Mousseau, Special Agent

☐ person is awaiting trial in another Federal or State Court  
(give name of court)

☐ this person/proceeding transferred from another district  
per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges  
previously dismissed which were  
dismissed on motion of:

☐ U.S. Atty ☐ Defense

☐ this prosecution relates to a  
pending case involving this same  
defendant. (Notice of Related  
Case must still be filed with the  
Clerk.)

☐ prior proceedings or appearance(s)  
before U.S. Magistrate Judge  
regarding this defendant were  
recorded under

SHOW  
DOCKET NO.

MAG. JUDGE  
CASE NO.

Place of RHODE ISLAND  
offense County

CASE NO. 1:20CR62MSM-LDA

USA vs.

Defendant: Bernard Klein

Address: [REDACTED]

☐ Interpreter Required Dialect: \_\_\_\_\_

Birth ☒ Male ☐ Alien  
Date [REDACTED] ☐ Female (if applicable)

Social Security Number [REDACTED]

**DEFENDANT**

Issue: ☐ Warrant ☒ Summons

Location Status:

Arrest Date \_\_\_\_\_ or Date Transferred to Federal Custody \_\_\_\_\_

☐ Currently in Federal Custody

☐ Currently in State Custody

☐ Writ Required

☐ Currently on bond

☐ Fugitive

Defense Counsel (if any): Jeffrey B. Pine, Esq.

☐ FPD ☐ CJA ☒ RET'D

☐ Appointed on Target Letter

☐ This report amends AO 257 previously submitted

**OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS**

Total # of Counts 1

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	18 U.S.C. 371	Conspiracy to Commit Wire Fraud	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
	Imprisonment: 5 years/ Fine \$250,000	Supervised Release: 3 years/ Special Assessment: \$100	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		Estimated Trial Days: 1 week	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

AO 455 (Rev. 01/09) Waiver of an Indictment

# UNITED STATES DISTRICT COURT

for the  
District of Rhode Island

United States of America

v.

Bernard Klein

*Defendant*

)  
)  
)  
)  
)

Case No. 1:20CR62MSM-LDA

## WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Defendant's signature*

\_\_\_\_\_  
*Signature of defendant's attorney*

\_\_\_\_\_  
**Jeffrey B. Pine, Esq.**

\_\_\_\_\_  
*Printed name of defendant's attorney*

\_\_\_\_\_  
*Judge's signature*

\_\_\_\_\_  
*Judge's printed name and title*

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V.  
Bernard Klein

Case Number: 1:20CR00062-01WES  
USM Number: 06078-509  
J. Trusty, Esq., A. Ifrah, Esq. and J. Pine, Esq.  
Defendant's Attorney

Date of Original Judgment: April 13, 2021  
(Or Date of Last Amended Judgment)

THE DEFENDANT:  
☒ pleaded guilty to count(s) 1 of the Information.  
☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.  
☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.  
The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 371	Conspiracy To Commit Mail Fraud	October 10, 2018	1

--	--	--	--

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.  
☐ The defendant has been found not guilty on count(s) \_\_\_\_\_  
☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

4/12/2022  
Date of Imposition of Judgment  
Signature of Judge  
William E. Smith  
US District Judge  
Name and Title of Judge  
4/14/2022  
Date



DEFENDANT: **Bernard Klein**  
CASE NUMBER: **1:20CR00062-01WES**

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:  
**18 months.**

☒ The court makes the following recommendations to the Bureau of Prisons:

**The court recommends BOP designation at Otisville.**

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 6/9/2021.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Bernard Klein

CASE NUMBER: 1:20CR00062-01WES

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of :

3 years.

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Bernard Klein

CASE NUMBER: 1:20CR00062-01WES

**STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

**U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: Bernard Klein

CASE NUMBER: 1:20CR00062-01WES

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall participate in a program of substance abuse testing (up to 72 drug tests per year) to include alcohol testing, as directed and approved by the Probation Office.
2. The defendant shall participate in a program of mental health as directed and approved by the Probation Office.
3. The defendant shall contribute to the cost of all ordered treatment and testing based on ability to pay as determined by the probation officer.
4. The defendant is to provide access to all financial information requested by the supervising probation officer including, but not limited to, copies of all federal and state income tax returns. All tax returns shall be filed in a timely manner.
5. The defendant will not open new lines of credit, which includes the leasing of any vehicle or other property or use existing credit resources without the prior approval of the supervising probation officer until court ordered financial obligations have been satisfied.
6. The defendant will maintain one personal checking account. All the defendant's income, monetary gains, or other pecuniary proceeds will be deposited into this account, which will also be used for payment of all personal expenses. Records of all other bank accounts, including business accounts, will be disclosed to the supervising probation officer upon request.
7. The defendant will not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$1,000.00 without the approval of the supervising probation officer until all financial obligations imposed by this court have been satisfied.
8. The defendant will not hold employment having fiduciary responsibilities during the supervision term without first notifying the employer of the conviction. The defendant will not hold self-employment having fiduciary responsibilities without approval of the supervising probation officer.
9. The defendant will cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity. If approved for self-employment, the defendant will provide the U.S. Probation Office with full disclosure of self-employment and other business records, including, but not limited to, all of the records identified in the Probation Form 48F (Request for Self-Employment Records), or as otherwise requested by the U.S. Probation Office.

DEFENDANT: Bernard Klein

CASE NUMBER: 1:20CR00062-01WES

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

\*\*

	<u>Assessment</u>	* <u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$ 100.00	\$ 400,000.00	\$ 15,000.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

\* ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

** <u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Massif Mountain Gear Christine Collins 498 Oak Street Ashland, OR 97520		\$92,800.00	
Polartec, LLC Kathleen Potter, Esq. 300 Brickstone Square, 4th Fl Andover, MA 01810		\$287,200.00	
United Associates, Ltd / United Join Forces Valentino Boezi, President 376 Dry Bridge Road, E-1 North Kingstown, RI 02852		\$6,800.00	

<b>TOTALS</b>	\$	<u>0.00</u>	\$	<u>400,000.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☒ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **Bernard Klein**  
CASE NUMBER: **1:20CR00062-01WES**

Judgment—Page 7 of 8

**ADDITIONAL RESTITUTION PAYEES**

<b><u>Name of Payee</u></b>	<b><u>Total Loss*</u></b>	<b><u>Restitution Ordered</u></b>	<b><u>Priority or Percentage</u></b>
Nextex Applications Chris Pierson P.O. Box 15 Bonsall, CA 92003		\$13,200.00	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Bernard Klein

CASE NUMBER: 1:20CR00062-01WES

**SCHEDULE OF PAYMENTS**

\*\* Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- \* B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- \* F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Defendant Klein shall make restitution in two equal payments with the initial payment of \$200,000 to be made immediately upon entry of the Court's Order, and the second payment of \$200,000 to be remitted no later than 90 days thereafter.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.



UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:20CR00062-01
	)	
BERNARD KLEIN,	)	
Defendant.	)	

SATISFACTION OF JUDGMENT

The judgment in the above-entitled case having been paid in full or otherwise satisfied, the Clerk of the United States District Court for the District of Rhode Island is hereby authorized and empowered to cancel the monetary portion of said judgment of record.

Respectfully submitted,  
UNITED STATES OF AMERICA,  
By its Attorneys,

ZACHARY A. CUNHA  
United States Attorney

/s/ Milind M. Shah  
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